

C H A P.
VIII.
Days and
place of at-
tendance.

V. And be it enacted, That the register of wills shall be obliged to attend on the Tuesdays and Saturdays in every week, at the city, town or place, where the county courts are held, unless prevented by sickness or other unavoidable accident or necessity, for the dispatch of all business that may come before him relative to the estates of persons deceased; and also shall be obliged to lodge all original papers, and all records by him made up, in a repository in the court-house of the county of which he is register, which said repository shall be provided by the justices of the county courts at the expence of their counties respectively.

To take the
oath of alle-
giance, &c.

VI. And be it enacted, That the register of wills in each county, before he acts as such, shall take the oath of allegiance and fidelity to this state, before one of the justices of the peace for the said county, and also an oath of office in the following words: "I, A. B. make oath, on the holy evangelists of Almighty God, that I will diligently and faithfully execute the office of register of wills within the county of — according to the best of my skill and judgment. So help me God;" and shall sign a declaration of his belief in the christian religion, and also give bond, with two good and sufficient securities, in the penal sum of two thousand pounds currency, payable to this state, conditioned for the faithful performance of his said office of register of wills; which bond shall be taken and securities approved by the justice of peace before whom the oath is made, as aforesaid, and shall be by him returned, together with a certificate of the oath aforesaid having been taken, to the next orphans court to be held for said county, and there entered upon record, and the original carefully kept by the presiding judge of said court.

Justices to
cause a seal to
be made, &c.

VII. And be it enacted, That the said justices, or any three or more of them, shall cause a seal to be made for their several counties, and shall proceed by way of summons, attachment and distress, to compel all persons to attend; and after decree or judgment passed, and copy thereof served on the defendant, shall and may proceed by process of attachment or of execution on the said decree, or judgment against the person, goods, chattels, lands and tenements, of the defendant or defendants, to compel performance of said decree or judgment.

Summons to
be directed to
the sheriff,
&c.

VIII. And be it enacted, That where summons shall issue by order of said court, the same shall be directed to the sheriff or coroner of the county, as the case may require; and if two *non ests* be returned on such summons, it shall and may be lawful for the justices of said court, and they are hereby authorized and required, on application of the party or parties at whose instance such summons issued, his, her or their agent or attorney, to order attachment against the goods, chattels, lands and tenements, of such person or persons against whom two *non ests* have been returned, and shall cause the same goods, chattels, lands and tenements, or so much thereof as may be attached, to be put into the hands of sequestrators, until the party or parties shall think proper to appear, either personally or by attorney, and give good security to abide the order or judgment of said court on hearing the cause.

Justices may
call a jury,
&c.

IX. And be it enacted, That where either of the parties concerned in interest require the same, it shall and may be lawful for the said justices of the orphans courts, or any three or more of them, and they are hereby required, to direct a plenary proceeding by libel and answer on oath, and shall take depositions in writing, and call a jury of twelve freeholders of said county to their assistance, by warrant to the sheriff of the county, who shall summon and return a pannel of twenty freeholders, who shall attend under the same penalty as for non-attendance on the county courts, for the determination of all contested facts, in case the parties, or either of them, require a jury to be called; and shall direct an issue to be tried, and shall have power to give a decree or judgment on the verdict or hearing without jury trial, and also award costs to the party, libellant or respondent, who shall in their opinion be entitled thereto.

Provido.

X. Provided always, and be it enacted, That nothing herein contained shall deprive the parties, plaintiff or complainant, or either of them, of an election in all